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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)

Amendment of Parts 2, 25 and 97 of the)
Commission's Rules with Regard to the)
Mobile-Satellite Service Above 1 GHz)

ET Docket No. 98-142

JOINT REPLY COMMENTS

L/Q Licensee, Inc. ("LQL"), Globalstar, L.P., and AirTouch Communications, Inc. ("AirTouch"), pursuant to Section 415 of the Commission's Rules, hereby submit these joint reply comments in the above-referenced docket.¹ LQL, Globalstar and AirTouch filed "Joint Comments" generally supporting the Commission's proposals to allocate the 5091-5250 MHz and 15.43-15.63 GHz bands to the Fixed-Satellite Service ("FSS") on a co-primary basis for Earth-to-space ("uplink") transmissions and the 6700-7075 MHz and 15.43-15.63 GHz bands on a co-primary basis for space-to-Earth ("downlink") transmissions.

¹ See Notice of Proposed Rule Making, FCC 98-177 (released August 4, 1998) ("NPRM"); Order Granting Motion to Extend Reply Comment Date, DA 98-2011 (released Oct. 5, 1998). The Globalstar nongeostationary ("NGSO") Above 1 GHz Mobile Satellite Service ("MSS") system is currently authorized to use the 5091-5250 MHz and 6875-7055 MHz bands for its feeder uplinks and downlinks, respectively.

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The other MSS parties commenting in this proceeding generally support the Commission's allocation proposals for NGSO MSS feeder link frequencies.² However, other users of the bands submitted unjustifiable proposals which, if adopted, could impair the usefulness of the allocations for NGSO MSS feeder links. For the reasons set forth below, these proposals should be rejected.

Society of Broadcast Engineers ("SBE"). SBE points out that the 6875-7125 MHz band is allocated on a co-primary basis for broadcast auxiliary services. See 47 C.F.R. § 74.602. These frequencies are assigned in 25 MHz channels, and are available for mobile, television pickup stations ("TVPU"). SBE concedes that NGSO MSS systems that comply with the power flux density ("PFD") limits for FSS downlinks in the 6700-7075 MHz band specified in RR S9.11A will not cause interference into TVPU stations. See SBE Comments, at 3. However, it claims that airborne TVPU stations may cause interference into earth stations. Id. at 2.

SBE asks the Commission to adopt two rules not proposed in the NPRM, in an effort to give TVPU stations an unwarranted advantage on use of the band. First, SBE seeks a rule that satellite earth stations operating in the 6700-7075 MHz band would be required to accept interference from any TVPU station, whether the TVPU station was licensed before or after the earth station. SBE Comments, at 2. The stated rationale for such a rule is to avoid creating two classes of TVPU stations, one that is required to protect earth stations (post-dating the earth station

² See Comments of Constellation Communications, Inc., ICO Services Limited, Mobile Communications Holdings, Inc.

license) and one that is not (pre-dating the earth station license). SBE also seeks a rule that would preclude earth stations operating in the 6700-7075 MHz band within 100 kilometers of the top 100 television markets. Id.

The Commission should reject both of SBE's proposals. The rules are unnecessary and would arbitrarily restrict the flexibility of earth station operators. Indeed, SBE's proposal to give TVPU stations priority over previously-licensed earth stations is directly contrary to the Commission's rules and policies governing Title III licenses, and SBE has offered no explanation even approaching rationality for its adoption.

In any event, there will be relatively few earth stations operating with NGSO MSS systems in the 6700-7075 MHz band, and these will likely be placed in remote areas. See NPRM, ¶ 22; Constellation Comments, at 3-4. The applicant for the earth station can determine from the Commission's records whether a TVPU station has been licensed in the vicinity of its proposed site, and relocate the earth station if deemed necessary. Moreover, the available TVPU channels include frequencies outside the 6700-7075 MHz band, including 6425-6525 MHz and 7075-7125 MHz. See 47 C.F.R. § 74.602. Therefore, a TVPU applicant can select a channel that would avoid the risk of interference into the earth station. Given the flexibility already present in the Commission's Rules, there is no reason for the Commission to make NGSO MSS earth stations secondary to TVPU stations. Rather, these

services should be treated as co-primary in the band, as proposed, so that both services have an obligation to avoid harmful interference into the other.³

Telecommunications Industry Association ("TIA"). TIA's Fixed Point-to-Point Communications Section expressed concern that FSS earth stations authorized in the 6700-6875 MHz band would preclude operation of fixed microwave stations which are co-primary in the band. See 47 C.F.R. §§ 101.101, 101.147. It requested that the Commission adopt sharing criteria to allow this band to accommodate expansion of terrestrial microwave networks. TIA Comments, at 6.

TIA's comments are misplaced in this proceeding. The sharing criteria for NGSO MSS earth stations and fixed stations were debated and resolved during the ITU proceedings leading up to the 1995 World Radiocommunication Conference ("WRC-95"), in which representatives of the fixed microwave service participated.⁴ To achieve sharing between the two services, WRC-95 adopted the PFD limits in RR S9.11A. For the Commission to adopt TIA's proposal would essentially undo the work of the conference and potentially retard the development of MSS services in the United States. This is contrary to Commission policy, which for the past four

³ Such a rule would be consistent with the obligations currently imposed on TVPU stations. Such stations are obligated to "take such steps as may be necessary to avoid mutual interference" into TVPU stations operating on the same channel, 47 C.F.R. § 74.604(b), and to take steps "to minimize the probability of harmful interference" into geostationary satellites, id., § 74.643. Similar efforts should be required to prevent harmful interference into earth stations associated with NGSO MSS systems.

⁴ See Preparation for International Telecommunication Union World Radiocommunication Conferences, 10 FCC Rcd 12783, 12802-03, ¶ 52 (1995).

years has fostered and encouraged the near-term development and rapid deployment of NGSO MSS systems.⁵ TIA's proposals should be rejected.

Satellite CD Radio. Satellite CD Radio noted that the 7025-7075 MHz band is used for feeder uplinks for Satellite Digital Audio Radio Service ("SDARS") systems, which must be coordinated with NGSO MSS downlinks operating in the same frequencies. CD Radio Comments, at 1-2. It stated that it expected that "NGSO MSS operators will submit information in this proceeding" regarding their ability to coordinate their systems with SDARS systems. Id. at 2.

Coordination of satellite systems occurs on an operator-to-operator basis, not in a rulemaking. Moreover, licensees are not expected to disclose sensitive commercial information of the type that may be required in coordination in a rulemaking proceeding. Satellite CD Radio should contact the appropriate licensees if coordination of the 7025-7075 MHz band is required.

⁵ See Amendment of the Commission's Rules to Establish Rules and Policies Pertaining to a Mobile Satellite Service in the 1610-1626.5/2483.5-2500 MHz Frequency Bands, 9 FCC Rcd 5936 (1994).

LQL, Globalstar and AirTouch recommend that the Commission adopt the rules proposed in the NPRM with the modifications set forth in their Joint Comments and above.

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CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 13th day of October, 1998, caused copies of the foregoing "Joint Reply Comments" to be delivered via first-class mail, postage prepaid, or hand delivery (indicated by *) to the following persons:

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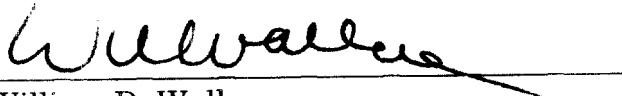
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